

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CORNERSTONE MEDICAL
TRANSPORT,**

Defendant.

Case No. 2:19-cv-02328-JDW

ORDER

AND NOW, this 7th day of February, 2020, upon consideration of Plaintiff's Motion for Service by Posting Property and Certified Mail (ECF No. 7), the Court hereby finds as follows:

1. Plaintiff United States of America again moves for allowance to serve Defendant Cornerstone Medical Transport by mailing a copy of the summons and the complaint by certified and regular mail and by posting a copy of the summons and the complaint at its last known property address;

2. As the Court noted in its prior Order, Pennsylvania Rule of Civil Procedure 430 permits alternative service only if "service cannot be made under the applicable rule" Pa. R. Civ. P. 430. The Court also noted that Pennsylvania law permits service on a corporation by serving three categories of people (*see* Pa. R. Civ. P. 424);

3. The United States attempted service at 1352 S. 30th St, Philadelphia PA 19146, at which time the process server "served" a J.P. Lawson. The United States claims that it is unable to confirm that this individual falls into one of the three categories of people under Rule 424;

4. The fact that the United States “could not confirm that the prior service attempt was good” (ECF No. 7, ¶ 19) does not satisfy its burden of showing that service cannot be made under the Pennsylvania Rules; and

5. The United States’ uncertainty is therefore not enough to justify a last-resort recourse such as service by alternative means.

For the foregoing reasons, it is **ORDERED** that the Motion is **DENIED**.

BY THE COURT:

/s/ Joshua D. Wolson
JOSHUA D. WOLSON, J